

Notice of Allowability

Application No.

10/010,310

Examiner

Gailene R. Gabel

Applicant(s)

GEORGES, ELIAS

Art Unit

1641

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Applicant's amendment filed on 6/13/06 and Interview Summary on 8/14/06.
2. ☒ The allowed claim(s) is/are 10, 12-17, 19, 20, 23, 24, 26, 29-34, 36, 39, 40, 75-77; now renumbered as claims 1-11, 13-24, and 12, respectively.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☒ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date 8/14/06.
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

Gabel
8/14/06

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Dr. Ann Kerner on August 14, 2006.

Oath/Declaration

2. The oath or declaration is defective. A new oath or declaration in compliance with 37 CFR 1.67(a) identifying this application by application number and filing date is required. See MPEP §§ 602.01 and 602.02.

The oath or declaration is defective because:

It does not state that the person making the oath or declaration believes the named inventor or inventors to be the first inventor or inventors of the subject matter which is claimed and for which a patent is sought.

Drawings

3. The drawings filed on February 26, 2004 and July 13, 2005 (for those that required sequence compliance) are accepted by the Examiner.

4. The application has been amended as follows:

A) Amendments to the specification:

Art Unit: 1641

The specification refers to that submitted and filed on 2/26/04. The brief description of the drawings have been amended as follows:

In page 19, line 19 (under Figure 2), after "the present invention.", "A" has been deleted and --2A-- has been inserted therefor.

In page 19, line 20 (under Figure 2), after "for Figure 1.", "B" has been deleted and --2B-- has been inserted therefor.

In page 19, line 24 (under Figure 2), after "an incubation buffer.", "C" has been deleted and --2C-- has been inserted therefor.

In page 19, line 26 (under Figure 2), after "on protein A.", "D" has been deleted and --2D-- has been inserted therefor.

In page 20, line 4 (under Figure 3), after "the present invention.", "A" has been deleted and --3A-- has been inserted therefor.

In page 20, line 5 (under Figure 3), after "and Protein B.", "B" has been deleted and --3B-- has been inserted therefor.

In page 20, line 10 (under Figure 3), after "buffer.", "C" has been deleted and --3C-- has been inserted therefor.

In page 20, line 11 (under Figure 3) after "on protein A.", "D" has been deleted and --3D-- has been inserted therefor.

In page 20, line 13 (under Figure 3) after "from Protein A.", "E, four high affinity binding sequences between Protein A and Protein B are identified in rows 1, 3, 6, and 8. The wells that contain the high affinity binding sequences are identified by radiolabeled

Art Unit: 1641

counting and SDS-PAGE.” has been deleted. There is no Figure 3E originally submitted in the application.

In page 20, line 18 (under Figure 4), after “the present invention.”, “A” has been deleted and --4A-- has been inserted therefor.

In page 20, line 19 (under Figure 4), after “and Protein B.”, “B” has been deleted and --4B-- has been inserted therefor.

In page 20, line 25 (under Figure 4), after “in Figures 2 and 3.”, “C” has been deleted and --4C-- has been inserted therefor.

In page 21, line 2 (under Figure 4), after “radiolabeled protein B.”, “D” has been deleted and --4D-- has been inserted therefor.

In page 21, line 17 after Figure 6, -- A-C -- has been inserted.

B) Amendments to the claims:

In claim 10, step a), line 1 after “providing a set of”, --short-- has been inserted.

In claim 10, step a), line 2 after “the set of”, --short-- has been inserted.

In claim 10, step f), line 1 after “identifying”, “a” has been deleted and --the-- has been inserted therefor, to effect “the segment” (i.e. complete segment between the first set and the second set of overlapping peptides).

In claim 26, step a), line 1 after “providing a set of”, --short-- has been inserted.

In claim 26, step a), line 2 after “the set of”, --short-- has been inserted.

Art Unit: 1641

In claim 26, step f), line 1 after "identifying", "a" has been deleted and --the-- has been inserted therefor, to effect "the segment" (i.e. complete segment between the first set and the second set of overlapping peptides).

Claims 42-50, 52, 55, 56, 58-69, and 72 have been cancelled.

5. Closes art, although not considered prior art, is Carr et al. (US 2004/0180386 A1 filed February 18, 2002) since its filing date is after the effective filing date of the instant invention.

Carr et al. disclose a method of identification of T-cell epitopes for preparing molecules with reduced immunogenicity. Carr et al. obtains and selects a region of a peptide having known amino acid sequence, and sequentially samples overlapping segments of the selected peptide region, and then obtains or calculates a binding score for each of the sampled segments by summing assigned values for each hydrophobic amino acid residue side chain present in said sampled amino acid residue segment.

6. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gailene R. Gabel whose telephone number is (571)


Art Unit: 1641

272-0820. The examiner can normally be reached on Monday, Tuesday, and Thursday, 7:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Long V. Le can be reached on (571) 272-0823. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Gailene R. Gabel
Patent Examiner
Art Unit 1641
August 14, 2006


8/14/06